

ZB# 78-22

Dennis & Joan Maher

(no SBL given)

#78-22 - Maher, ^{Dennis & Joan}~~John~~ - rear yard variance

Public Hearing
August 14, 1978.
8:15 p.m.

Decision needed
Check to T.C. 8/16/78

GENERAL RECEIPT

3776

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

RECEIVED OF

Hennis Maher

Aug 15

1978

\$ 25.00

Twenty-Five

DOLLARS

FOR

78-22 (Varisnee app.)

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>25.00</u>		
<u>OK</u>		

BY

Charlotte Marcantonio

Deputy

TITLE

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x
In the Matter of the Application of

JOAN MAHER and DENNIS MAHER

DECISION GRANTING
AREA VARIANCE

Application #78-22.
-----x

WHEREAS, JOAN MAHER and DENNIS MAHER of 54 Merline Avenue, Town of New Windsor, New York, have made application for an area variance to permit insufficient rear yard on property located at the above address in an R-4 zone; and

WHEREAS, the applicant seeks an 8 ft. rear yard variance; and

WHEREAS, the applicant, JOAN MAHER, represented herself and Mr. Maher; and

WHEREAS, the application was opposed by a resident in the immediate area of the residence in point; and

WHEREAS, the Zoning Board of Appeals makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.

2. The evidence shows that the variance if granted will result in no appreciable additional population or strain on existing governmental facilities.

3. The evidence shows that the variance sought will not alter the character of the neighborhood.

4. The evidence shows that denial of the variance will result

in significant economic injury to the applicant due to the fact that the block storage building which he is constructing to the rear of his property is 90% completed and unusable in its present condition.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. That notice of the public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News also required by law.

2. The applicant will encounter practical difficulty if he is forced to abandon the completion of his building.

3. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

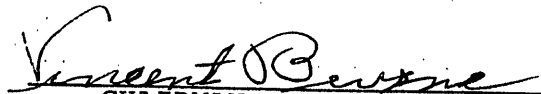
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant an 8 ft. rear yard variance to JOAN MAHER and DENNIS MAHER with the stipulation that the construction of the block storage building will not cause undue hardship on the immediate neighbor drainage wise.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicants.

Dated: September __, 1978.


CHAIRMAN

P.H. - Aug. 14th -
8:15 p.m.
78-22.

7:30 - 7/19/78 -
For your info
Rec'd. - 6/30/78
JUN 30 1978
Pd

Building Department
(CITY, TOWN OR VILLAGE) OF NEW WINDSOR 555 UNION AV.
(Address and Telephone Number)
565-8807 County of ORANGE

Order to Remedy Violation

Location 54 MERLINE AV

Map No.: _____ Section: _____ Block: _____ Lot: _____

Date JUNE 30 1978

TO J. MAHER 565-2841
(owner or authorized agent of owner)
54 MERLINE AV
(address of owner or authorized agent of owner)

PLEASE TAKE NOTICE there exists a violation of:

The State Building Construction Code
Zoning Ordinances ☒
Other Applicable Laws, Ordinances or Regulations

at premises hereinafter described in that A BLOCK STORAGE BLDG
(state character of violation)
ERECTED WITHOUT BLDG PERMIT - DOES NOT MEET TEN
FOOT SET BACK REQUIRED FOR ~~ACCESS~~ ACCESSORY STRUCTURE
in violation of 48-28 - 48-14
(state section or paragraph of applicable law, ordinance or regulation)

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and to
remedy the conditions above mentioned forthwith on or before the 10th day of
JULY 1978

Failure to remedy the conditions aforesaid and to comply with the applicable pro-
visions of law may constitute an offense punishable by fine or imprisonment or both.

Howard R. Calvert
Superintendent of Buildings

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York will hold a Public Hearing
pursuant to Section 48-33A of the Zoning Ordinance on the
following proposition:

Appeal No. 22

Request of JOAN MAHER and DENNIS MAHER

for a VARIANCE ~~XXXXXXXXXXXX~~ of
the regulations of the Zoning Ordinance, to permit
A BLOCK STORAGE BUILDING WITH INSUFFICIENT
REAR YARD

being a VARIANCE ~~XXXXXXXXXXXX~~ of

Section 48-28 and 48-14 - Table of Bulk Regulations
for property situated as follows:

54 Meriline Avenue, Town of New Windsor,
New York

SAID HEARING will take place on the 14th day of August, 1978,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 8:15 o'clock P. M.

MARK STORTECKY
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

78-22
(Number)

July 12, 1978
(Date)

I. Applicant information:

- (a) JOAN MAHER and DENNIS MAHER, 54 Meriline Avenue, New Windsor
(Name, address and phone of Applicant) New York
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) R-4 54 Meriline Avenue MBL _____
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? NC
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1968
- (e) Has property been subdivided previously? no When? _____
- (f) Has property been subject of variance or special permit previously? no When? -
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? yes If so, when June 30, 1978
- (h) To there are other...

July 12, 1978
(Date)

I. Applicant information:

- (a) JOAN MAHER and DENNIS MAHER, 54 Meriline Avenue, New Windsor
(Name, address and phone of Applicant) New York
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance
- ☐ Sign variance
- ☐ Special permit

III. Property information:

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(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? NC
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1968
- (e) Has property been subdivided previously? no When?
- (f) Has property been subject of variance or special permit previously? no When? -
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? yes If so, when June 30, 1978
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. n/a

☐ IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow _____

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

☒ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-28 &, Table of Bulk Column 8

<u>48-14</u> <u>Requirements</u>	<u>Regulations</u> <u>Proposed or</u> <u>Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yard		
Reqd. Side Yards	<u>1</u>	<u>1</u>
Reqd. Rear Yard	<u>10 ft.</u>	<u>2 ft.</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Development Coverage*	<u>%</u>	<u>%</u>
Floor Area Ratio**		

* Residential districts only
** New Windsor Zoning Local Law

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-28 & Table of Bulk Column 8

48-14 Requirements	Regulations	Proposed or Available	Variance Request
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yard			
Reqd. Side Yards	10 ft.	2 ft.	8 ft.
Reqd. Rear Yard	10 ft.	2 ft.	8 ft.
Reqd. Street Frontage*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Development Coverage*	3	3	3
Floor Area Ratio**			

* Residential districts only

** Non-residential districts only

X (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

- 1) winter! make room in garage for car so plow can perform. No room for car and truck
- 2) With masonry material, causing eye sore
- 3) In summer turn into doll house for 6 yr old daughter, no place to play since playground closed down



VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

- can perform. No room for car and truck
- 2) With masonry material, causing eye sore
 - 3) In summer turn into doll house for 6 yr old daughter, no place to play since playground closed down



VI.

Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.

☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

☒ IX. Attachments required:

- ☒ Copy of letter of referral from Building and Zoning Inspector.
- ___ Copy of contract of sale, lease or franchise agreement.
- ___ Copy of tax map showing adjacent properties
- ___ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ___ Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$ 25.00 payable to Town of New Windsor.

- (b) Describe in detail the use and structures proposed for the special permit.

☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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- ☐ Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$ 25.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ☐ Other

(Official Use Only)

X. AFFIDAVIT.

Date July 12, 1978

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Juan L. Maher
(Applicant)

Sworn to before me this

12th day of July, 1978.

Patricia Razansky

PATRICIA RAZANSKY
Notary Public, State of N.Y.
No. 5870776
Appointed in Orange County
Term Expires Mar. 30, 1982

XI. ZBA Action:

(a) Public Hearing date _____

(b) Variance is _____

(c) Special Permit is _____

(d) Conditions and safeguards _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.

STATE OF NEW YORK)

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Appointed in Orange County
Term Expires Mar. 30, 1980

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.

8/14/78 Public Hearing - Dennis Maher - 8:15

Name:

Address:

John F. Horner - objecting	91 MERIDIAN AVE.
Frances Horner	" " "
Anna Carlstrom	106 Meridian Ave
Mr James Crudele	90 Myrtle Ave
Mr Elvira Crudele	" "
Mary Budowski	36 Meridian Ave

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550
(914) 565-8550

555 Union Avenue
New Windsor, N. Y.
August 15, 1978

Mr. Dennis Maher
54 Meriline Avenue
New Windsor, N. Y. 12550

RE: APPLICATION FOR AREA VARIANCE
#78-22

Dear Mr. Maher:

Kindly be advised that the Zoning Board of Appeals
voted to grant your request for an 8 ft. rear yard
variance at their regular meeting of August 14, 1978.

Very truly yours,



PATRICIA DELIO, Secretary

/pd

cc: Howard Collett, Bldg./Zoning Inspector

Town Planning Board